

SHER TREMONTE LLP

August 16, 2023

BY ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)

Dear Judge Merkl:

Yesterday at approximately 2:00 pm, Alessandra Biaggi was served with a subpoena seeking three categories of documents related to Trooper 1's broad allegations. Nine hours later, Ms. Boylan, not Ms. Biaggi, filed a letter asking the Court to quash the subpoena to Ms. Biaggi. ECF. No. 116. Ms. Boylan seeks broad relief asking "the Court to direct Mr. Cuomo not to enforce the Biaggi Subpoena" in its entirety even though that subpoena seeks many documents wholly unrelated to Ms. Boylan.

Ms. Boylan is not a party to the Trooper 1 Action. Yet she has now sought to block at least eight subpoenas in this litigation to other nonparties. She has done so even where, as with the subpoena to Ms. Biaggi, Ms. Boylan is neither the recipient nor the focus of the subpoena. Not only that, Ms. Boylan, a former candidate for two political offices with an active public life, has no conceivable privacy interest in her communications with a former elected official who is, just like Ms. Boylan, a "well-known 'outspoken critic'" of Governor Cuomo. Discovery into Trooper 1's allegations cannot come to a screeching halt just because Ms. Boylan says so.¹

If Ms. Boylan (or Ms. Biaggi, on whose behalf Ms. Boylan's request to quash was obviously written) wants not to be a part of the Trooper 1 Action, she should publicly demand that Trooper 1 withdraw all allegations in the Complaint concerning Ms. Boylan, the OAG and AJC Investigations and Reports, and all other claimants. It is telling that Ms. Boylan has not done so. Unless and until those allegations are no longer part of the Trooper 1 Action, Governor Cuomo is entitled by law to take discovery into them.

Finally, Ms. Boylan's letter is procedurally improper. Although the Court granted her leave to be heard on Trooper 1's arguments that information concerning Ms. Boylan's

¹ At the insistence of Trooper 1 (in mid-May), and over our objection, we have not even served several of the nonparty subpoenas, which means that significant avenues of discovery have been stalled for months.

Hon. Taryn A. Merkl

August 16, 2023

Page 2 of 2

relationship with her former boss should not be disclosed, Ms. Boylan has not been given leave to appear in the Trooper 1 Action for all purposes. Further, Ms. Boylan does not have standing to seek to quash the Biaggi Subpoena, which seeks routine civil discovery. Ms. Boylan simply does not get a say over every subpoena Governor Cuomo serves.

Ms. Boylan's request to quash, written on behalf of another nonparty, should be stricken from the record. In the alternative, but for the same reasons, her request should be denied.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma